

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION**

Navient Solutions, LLC,

Plaintiff,

v.

The Law Offices of Jeffrey Lohman
Jeffrey Lohman
Jeremy Branch
Alyson Dykes
Ibrahim Muhtaseb
David Mize Law, PLLC
David Mize
Champion Marketing Solutions, LLC
John Does #1-20,

Defendants.

Civil Action No. 1:19-cv-00461

**DEFENDANTS THE LAW OFFICES OF JEFFREY LOHMAN AND JEFFREY
LOHMAN'S ANSWER TO AMENDED COMPLAINT**

Defendants, The Law Offices of Jeffrey Lohman and Jeffrey Lohman (hereinafter collectively referred to as the "Lohman Defendants"), by counsel, respond to the Amended Complaint filed by Plaintiff Navient Solutions, LLC ("Plaintiff") as follows:

1. The Lohman Defendants admit the allegations contained in paragraph "1" of the Amended Complaint, to the extent that it is alleged that the Plaintiff brought the captioned action. The Lohman Defendants deny the remaining allegations contained in paragraph "1" of the Amended Complaint.

Preliminary Statement

2. The Lohman Defendants deny the allegations contained in paragraph "2" of the Amended Complaint.

- 3-6. To the extent that the allegations in paragraphs "3" through "6" of the Amended Complaint are directed at individuals other than the Lohman Defendants, the Lohman Defendants are not required to respond to same. The Lohman Defendants deny the remaining allegations to the extent that the remaining allegations relate to the Lohman Defendants.
7. The allegations in paragraph "7" of the Amended Complaint discuss the alleged conduct of individuals or entities other than the Lohman Defendants, and as such, the Lohman Defendants are not required to respond to same.
- 8-10. To the extent that the allegations contained in paragraphs "8" through "10" of the Amended Complaint are directed at individuals or entities other than the Lohman Defendants, no response is required. The Lohman Defendants deny the remaining allegations contained in paragraphs "8" through "10" of the Amended Complaint, to the extent that the remaining allegations relate to the Lohman Defendants.

Parties

11. The Lohman Defendants are without information sufficient to admit or deny the allegations in paragraph "11" of the Amended Complaint and therefore, deny same and call for strict proof thereof.
12. The Lohman Defendants admit the allegations contained in paragraph "12" of the Amended Complaint.
13. The Lohman Defendants admit the allegations contained in paragraph "13" of the Amended Complaint only to the extent that it alleges that Defendant Lohman is a natural person domiciled in the state of California, is a principal of the Law Offices of Jeffrey

Lohman and managed the affairs of the Law Offices of Jeffrey Lohman. The Lohman Defendants deny the remaining allegations contained in paragraph "13."

14. The Lohman Defendants admit the allegations contained in paragraph "14" of the Amended Complaint to the extent that it alleges that Defendant Branch is an employee of the Law Offices of Jeffrey Lohman and has represented parties in TCPA matters. The Lohman Defendants deny the remaining allegations contained in paragraph "14" of the Amended Complaint, in the form that the Plaintiff set forth the allegations in the Amended Complaint.
15. The Lohman Defendants deny the allegations contained in paragraph "15" of the Amended Complaint to the extent that they allege that Defendant Dykes is an employee of the Law Offices of Jeffrey Lohman. The Lohman Defendants lack sufficient knowledge or information to form a belief as to the remaining allegations in Paragraph "15" of the Amended Complaint and defer to Plaintiff and Ms. Dykes with respect thereto.
16. The Lohman Defendants admit the allegations contained in paragraph "16" of the Amended Complaint to the extent that Defendant Muhtaseb is a former employee of the Law Offices of Jeffrey Lohman. Defendants deny knowledge or information sufficient to form a belief as to the remaining allegations in Paragraph "16" in the format alleged in the Amended Complaint and leave Plaintiff to its proofs with respect thereto.
- 17-20. The Lohman Defendants neither admit nor deny the allegations contained in paragraphs "17" through "20" of the Amended Complaint, to the extent that the allegations are directed at individuals or entities other than the Lohman Defendants, and leave the Plaintiff to its proofs with respect thereto.

21. There are no allegations to admit or deny in paragraph "21" of the Amended Complaint. To the extent there are implied or express allegations, they are denied as to the Lohman Defendants.
22. There are no allegations to admit or deny in paragraph "22" of the Amended Complaint. To the extent there are implied or express allegations, they are denied as to the Lohman Defendants.
23. There are no allegations to admit or deny in paragraph "23" of the Amended Complaint. To the extent there are implied or express allegations, they are denied as to the Lohman Defendants.

Jurisdiction

- 24-27. The Lohman Defendants neither admit nor deny the allegations contained in paragraphs "24" through "27" of the Amended Complaint, and refer questions of law to the Court with respect thereto.

FACTUAL ALLEGATIONS COMMON TO ALL COUNTS

NSL and the TCPA

28. The Lohman Defendants neither admit nor deny the allegations contained in paragraph "28" of the Amended Complaint, and refer questions of law to the Court with respect thereto.
29. The Lohman Defendants are without information sufficient to admit or deny the allegations in paragraph "29" of the Amended Complaint and therefore deny same and call for strict proof thereof.

30. The Lohman Defendants are without information sufficient to admit or deny the allegations in paragraph "30" of the Amended Complaint and therefore deny same and call for strict proof thereof.
31. The Lohman Defendants are without information sufficient to admit or deny the allegations in paragraph "31" of the Amended Complaint and therefore deny same and call for strict proof thereof.
32. The Lohman Defendants are without information sufficient to admit or deny the allegations in paragraph "32" of the Amended Complaint and therefore deny same and call for strict proof thereof.
33. Paragraph "33" of the Amended Complaint contains legal conclusions to which no response is required. To the extent there are implied or express allegations against the Lohman Defendants, they are denied.
34. Paragraph "34" of the Amended Complaint contains legal conclusions to which no response is required. To the extent there are implied or express allegations against the Lohman Defendants, they are denied.
35. Paragraph "35" of the Amended Complaint contains legal conclusions to which no response is required. To the extent there are implied or express allegations against the Lohman Defendants, they are denied.
36. Paragraph "36" of the Amended Complaint contains legal conclusions to which no response is required. To the extent there are implied or express allegations against the Lohman Defendants, they are denied.

37. Paragraph "37" of the Amended Complaint contains legal conclusions to which no response is required. To the extent there are implied or express allegations against the Lohman Defendants, they are denied.
38. The Lohman Defendants deny the allegations contained in paragraph "38" of the Amended Complaint, to the extent that they allege that the Lohman Defendants have undertaken any Scheme. The Lohman Defendants deny the remaining allegations contained in paragraph "38" of the Amended Complaint to the extent that they contain implied or express allegations against the Lohman Defendants.
39. The Lohman Defendants are without information sufficient to admit or deny the allegations in paragraph "39" of the Amended Complaint and therefore deny same and call for strict proof thereof.
40. Paragraph "40" of the Amended Complaint contains legal conclusions to which no response is required. To the extent there are implied or express allegations against the Lohman Defendants, they are denied.
41. The Lohman Defendants deny the allegations in paragraph "41" of the Amended Complaint.
42. The Lohman Defendants neither admit nor deny the allegations contained in paragraph "42" of the Amended Complaint, and refer questions of law to the court.
43. The Lohman Defendants deny the allegations in paragraph "43" of the Amended Complaint.

The Scheme

- 44-49. The Lohman Defendants deny the allegations contained in paragraphs "44" through "49" of the Amended Complaint, to the extent that allegations of wrongdoing are asserted

against the Lohman Defendants. The Lohman Defendants neither admit nor deny the allegations contained in paragraphs "44" through "49" of the Amended Complaint that are directed at individuals or entities other than the Lohman Defendants, and leave the parties to their proofs with respect thereto.

“Debt Counseling” Companies

50. The Lohman Defendants deny the allegations contained in paragraph "50" of the Amended Complaint, to the extent that allegations of wrongdoing are asserted against the Lohman Defendants. The Lohman Defendants neither admit nor deny the allegations contained in paragraph "50" of the Amended Complaint to the extent that the allegations are directed at individuals or entities other than the Lohman Defendants, and leave the parties to their proofs with respect thereto.
51. The Lohman Defendants deny the allegations contained in paragraph "51" of the Amended Complaint, to the extent that allegations of wrongdoing are asserted against the Lohman Defendants. The Lohman Defendants neither admit nor deny the allegations contained in paragraph "51" of the Amended Complaint to the extent that the allegations are directed at individuals or entities other than the Lohman Defendants, and leave the parties to their proofs with respect thereto.
52. The Lohman Defendants deny the allegations contained in paragraph "52" of the Amended Complaint to the extent that they allege wrongdoing against the Lohman Defendants, and refer questions of law to the Court.
53. The Lohman Defendants neither admit nor deny the allegations contained in paragraph "53" of the Amended Complaint to the extent that the allegations are directed at

individuals or entities other than the Lohman Defendants, and leave the parties to their proofs with respect thereto.

54-63. The Lohman Defendants deny the allegations contained in paragraphs "54" through "63" of the Amended Complaint, to the extent that allegations of wrongdoing are asserted against the Lohman Defendants. The Lohman Defendants neither admit nor deny the allegations contained in paragraphs "54" through "63" of the Amended Complaint to the extent that the allegations are directed at individuals or entities other than the Lohman Defendants, and leave the parties to their proofs with respect thereto.

64. The Lohman Defendants deny the allegations contained in paragraph "64" of the Amended Complaint to the extent that they allege wrongdoing against the Lohman Defendants, and refer questions of law to the Court. The Lohman Defendants neither admit nor deny the allegations contained in paragraph "64" of the Amended Complaint to the extent that the allegations are directed at individuals or entities other than the Lohman Defendants, and leave the parties to their proofs with respect thereto.

65. The Lohman Defendants deny the allegations as pled in paragraph "65" of the Amended Complaint, to the extent that it provides quotations from purported witness testimony on recorded telephone lines, but fails to identify the names of the alleged speakers; fails to provide the dates/times of the alleged utterances, and fails to provide citations and/or exhibits supporting same. To the extent that the Plaintiff alleges wrongdoing against the Lohman Defendants in paragraph "65" of the Amended Complaint, the Lohman Defendants deny said allegations.

66 - 67. The Lohman Defendants deny the allegations contained in paragraphs "66" and "67" of the Amended Complaint, to the extent that allegations of wrongdoing are asserted against

the Lohman Defendants. The Lohman Defendants neither admit nor deny the allegations contained in paragraphs "66" and "67" of the Amended Complaint to the extent that the allegations are directed at individuals or entities other than the Lohman Defendants, and leave the parties to their proofs with respect thereto.

68. The Lohman Defendants neither admit nor deny the allegations contained in paragraph "68" of the Amended Complaint to the extent that the allegations are directed at individuals or entities other than the Lohman Defendants, and leave the parties to their proofs with respect thereto.

69-70. The Lohman Defendants deny the allegations contained in paragraphs "69" and "70" of the Amended Complaint, to the extent that allegations of wrongdoing are asserted against the Lohman Defendants. The Lohman Defendants neither admit nor deny the allegations contained in paragraphs "69" and "70" of the Amended Complaint to the extent that the allegations are directed at individuals or entities other than the Lohman Defendants, and leave the parties to their proofs with respect thereto.

Mize Defendants

71-77. The Lohman Defendants deny the allegations contained in paragraphs "71" through "77" of the Amended Complaint, to the extent that allegations of wrongdoing are asserted against the Lohman Defendants. The Lohman Defendants neither admit nor deny the allegations contained in paragraphs "71" through "77" of the Amended Complaint to the extent that the allegations are directed at individuals or entities other than the Lohman Defendants, and leave the parties to their proofs with respect thereto.

Lohman Defendants

78-80. The Lohman Defendants deny the allegations contained in paragraphs "78" through "80" of the Amended Complaint, to the extent that allegations of wrongdoing are asserted against the Lohman Defendants. The Lohman Defendants neither admit nor deny the allegations contained in paragraphs "78" through "80" of the Amended Complaint to the extent that the allegations are directed at individuals or entities other than the Lohman Defendants, and leave the parties to their proofs with respect thereto.

81. The Lohman Defendants deny the allegations contained in paragraph "81" of the Amended Complaint. The Lohman Defendants refer questions of law to the Court.

82. The Lohman Defendants deny the allegations contained in paragraph "82" of the Amended Complaint, to the extent that allegations of wrongdoing are asserted against the Lohman Defendants. The Lohman Defendants neither admit nor deny the allegations contained in paragraph "82" of the Amended Complaint to the extent that the allegations are directed at individuals or entities other than the Lohman Defendants, and leave the parties to their proofs with respect thereto.

83. The Lohman Defendants admit the allegations contained in paragraph "83" of the Amended Complaint. To the extent there are implied or express allegations that the Lohman Defendants have undertaken any Scheme, they are denied.

Role of the Attorney Defendants

84-85. The Lohman Defendants neither admit nor deny the allegations contained in paragraphs "84" and "85" of the Amended Complaint to the extent that the allegations are directed at individuals or entities other than the Lohman Defendants, and leave the parties to their proofs with respect thereto.

86. The Lohman Defendants deny the allegations contained in Paragraph 86 of the Amended Complaint.

87. The Lohman Defendants deny the allegations contained in Paragraph "87" of the Amended Complaint.

88-91. The Lohman Defendants neither admit nor deny the allegations contained in paragraphs "88" through "91" of the Amended Complaint to the extent that the allegations are directed at individuals or entities other than the Lohman Defendants, and leave the parties to their proofs with respect thereto.

92-93. The Lohman Defendants deny the allegations contained in paragraphs "92" and "93" of the Amended Complaint, to the extent that allegations of wrongdoing are asserted against the Lohman Defendants. The Lohman Defendants neither admit nor deny the allegations contained in paragraphs "92" and "93" of the Amended Complaint to the extent that the allegations are directed at individuals or entities other than the Lohman Defendants, and leave the parties to their proofs with respect thereto. The Lohman Defendants refer questions of law, and mixed questions of law and fact, to the court.

94-97. The Lohman Defendants deny the allegations contained in paragraphs "92" through "97" of the Amended Complaint.

Cases Exemplifying the Scheme

98 -110. The Lohman Defendants deny the allegations contained in paragraphs "98" through "110" of the Amended Complaint, to the extent that allegations of wrongdoing are asserted against the Lohman Defendants. The Lohman Defendants neither admit nor deny the allegations contained in paragraphs "98" through "110" of the Amended Complaint to the extent that the allegations are directed at individuals or entities other

than the Lohman Defendants, and leave the parties to their proofs with respect thereto.

The Lohman Defendants refer questions of law, and mixed questions of law and fact, to the court.

111. The Lohman Defendants deny the allegations contained in paragraph "111" of the Amended Complaint, to the extent that allegations of wrongdoing are asserted against the Lohman Defendants. The Lohman Defendants neither admit nor deny the allegations contained in paragraph "111" of the Amended Complaint to the extent that the allegations are directed at individuals or entities other than the Lohman Defendants, and leave the parties to their proofs with respect thereto.
112. The Lohman Defendants neither admit nor deny the allegations contained in paragraph "112" of the Amended Complaint to the extent that the allegations are directed at individuals or entities other than the Lohman Defendants, and leave the parties to their proofs with respect thereto.
113. The Lohman Defendants neither admit nor deny the allegations contained in paragraph "113" of the Amended Complaint to the extent that the allegations are directed at individuals or entities other than the Lohman Defendants, and leave the parties to their proofs with respect thereto.
- 114-119. The Lohman Defendants deny the allegations contained in paragraphs "114" through "119" of the Amended Complaint, to the extent that allegations of wrongdoing are asserted against the Lohman Defendants. The Lohman Defendants neither admit nor deny the allegations contained in paragraphs "114" through "119" of the Amended Complaint to the extent that the allegations are directed at individuals or entities other than the Lohman Defendants, and leave the parties to their proofs with respect thereto.

The Lohman Defendants neither admit nor deny the allegations contained in paragraphs "114" through "119" that quote language in unauthenticated, inadmissible documents, but refer the court to the documents referenced therein.

D.D.

120-130. The Lohman Defendants deny the allegations contained in paragraphs "120" through "130" of the Amended Complaint, to the extent that allegations of wrongdoing are asserted against the Lohman Defendants. The Lohman Defendants neither admit nor deny the allegations contained in paragraphs "120" through "130" of the Amended Complaint to the extent that the allegations are directed at individuals or entities other than the Lohman Defendants, and leave the parties to their proofs with respect thereto.

131. The Lohman Defendants admit the allegations contained in paragraph "131" of the Amended Complaint only to the extent that D.D. signed a retainer agreement with the Lohman Defendants. The Lohman Defendants deny the remaining allegations contained in paragraph "131" of the Amended Complaint.

132-136. The Lohman Defendants deny the allegations contained in paragraphs "132" through "136" of the Amended Complaint, to the extent that allegations of wrongdoing are asserted against the Lohman Defendants. The Lohman Defendants neither admit nor deny the allegations contained in paragraphs "132" through "136" of the Amended Complaint to the extent that the allegations are directed at individuals or entities other than the Lohman Defendants, and leave the parties to their proofs with respect thereto.

137. The Lohman Defendants admit the allegations contained in paragraph "137" of the Amended Complaint only to the extent that it is alleged that the Lohman Defendants entered an appearance as counsel for D.D. The Lohman Defendants neither admit nor

deny the allegations contained in paragraph "137" of the Amended Complaint to the extent that the allegations are directed at individuals or entities other than the Lohman Defendants, and leave the parties to their proofs with respect thereto.

138. The Lohman Defendants neither admit nor deny the allegations contained in paragraph "138" of the Amended Complaint, but refer the Court to the documents referenced therein.

139. The Lohman Defendants neither admit nor deny the allegations contained in paragraph "139" of the Amended Complaint to the extent that the allegations are directed at individuals or entities other than the Lohman Defendants, and leave the parties to their proofs with respect thereto. The Lohman Defendants deny the allegations contained in paragraph "139" of the Amended Complaint, to the extent that allegations of wrongdoing are asserted against the Lohman Defendants.

E.A.

140-146. The Lohman Defendants neither admit nor deny the allegations contained in paragraphs "140" through "146" of the Amended Complaint to the extent that the allegations are directed at individuals or entities other than the Lohman Defendants, and leave the parties to their proofs with respect thereto.

147. The Lohman Defendants neither admit nor deny the allegations contained in paragraph "147" of the Amended Complaint to the extent that the allegations are directed at individuals or entities other than the Lohman Defendants, and leave the parties to their proofs with respect thereto. The Lohman Defendants deny the allegations contained in paragraph "147" of the Amended Complaint, to the extent that allegations of wrongdoing are asserted against the Lohman Defendants.

148-152. The Lohman Defendants neither admit nor deny the allegations contained in paragraphs "148" through "152" of the Amended Complaint to the extent that the allegations are directed at individuals or entities other than the Lohman Defendants, and leave the parties to their proofs with respect thereto.

153-157. The Lohman Defendants neither admit nor deny the allegations contained in paragraphs "153" through "155" of the Amended Complaint to the extent that the allegations are directed at individuals or entities other than the Lohman Defendants, and leave the parties to their proofs with respect thereto. The Lohman Defendants deny the allegations contained in paragraphs "153" through "157" of the Amended Complaint, to the extent that allegations of wrongdoing are asserted against the Lohman Defendants.

158. The Lohman Defendants admit the allegations contained in paragraph "158" of the Amended Complaint.

159. The Lohman Defendants neither admit nor deny the allegations contained in paragraph "159" of the Amended Complaint to the extent that the allegations are directed at individuals or entities other than the Lohman Defendants, and leave the parties to their proofs with respect thereto. The Lohman Defendants deny the allegations contained in paragraph "159" of the Amended Complaint, to the extent that allegations of wrongdoing are asserted against the Lohman Defendants.

160. The Lohman Defendants neither admit nor deny the allegations contained in paragraph "160" of the Amended Complaint to the extent that the allegations are directed at individuals or entities other than the Lohman Defendants, and leave the parties to their proofs with respect thereto.

161-163. The Lohman Defendants neither admit nor deny the allegations contained in paragraphs "161" through "163" of the Amended Complaint to the extent that the allegations are directed at individuals or entities other than the Lohman Defendants, and leave the parties to their proofs with respect thereto. The Lohman Defendants deny the allegations contained in paragraph "161" to "163" of the Amended Complaint, to the extent that allegations of wrongdoing are asserted against the Lohman Defendants.

Shanna Helvey

164. The Lohman Defendants neither admit nor deny the allegations contained in paragraph "164" of the Amended Complaint to the extent that the allegations are directed at individuals or entities other than the Lohman Defendants, and leave the parties to their proofs with respect thereto.

165. The Lohman Defendants deny the allegations contained in paragraph "165" of the Amended Complaint.

166. The Lohman Defendants neither admit nor deny the allegations contained in paragraph "166" of the Complaint, but refer the court to the documents referenced therein.

167. The Lohman Defendants neither admit nor deny the allegations contained in paragraph "167" of the Amended Complaint, but refer the court to the document referenced therein.

168-171. The Lohman Defendants neither admit nor deny the allegations contained in paragraphs "168" through "171" of the Amended Complaint to the extent that the allegations are directed at or relate to individuals or entities other than the Lohman Defendants, and leave the parties to their proofs with respect thereto. The Lohman Defendants deny the allegations contained in paragraph "168" to "171" of the Amended

Complaint, to the extent that allegations of wrongdoing are asserted against the Lohman Defendants.

172. The Lohman Defendants deny the allegations contained in paragraph "172" of the Amended Complaint.

173. The Lohman Defendants deny the allegations contained in paragraph "173" of the Amended Complaint.

L.L.

174. The Lohman Defendants neither admit nor deny the allegations contained in paragraph "174" of the Amended Complaint to the extent that the allegations are directed at or relate to individuals or entities other than the Lohman Defendants, and leave the parties to their proofs with respect thereto.

175. The Lohman Defendants neither admit nor deny the allegations contained in paragraph "175" of the Amended Complaint, but refer the court to the deposition transcript referenced therein.

176-184. The Lohman Defendants neither admit nor deny the allegations contained in paragraphs "176" through "184" of the Amended Complaint to the extent that the allegations are directed at or relate to individuals or entities other than the Lohman Defendants, and leave the parties to their proofs with respect thereto.

185-186. The Lohman Defendants neither admit nor deny the allegations contained in paragraphs "185" to "186" of the Amended Complaint to the extent that the allegations are directed at or relate to individuals or entities other than the Lohman Defendants, and leave the parties to their proofs with respect thereto. The Lohman Defendants neither

admit nor deny the allegations contained in paragraphs "185" to "186" relating to a deposition transcript, and refer the Court to the document reference therein.

187. The Lohman Defendants deny the allegations contained in paragraph "187" of the Amended Complaint.

188. The Lohman Defendants neither admit nor deny the allegations contained in paragraph "188" of the Amended Complaint to the extent that the allegations are directed at or relate to individuals or entities other than the Lohman Defendants, and leave the parties to their proofs with respect thereto. The Lohman Defendants neither admit nor deny the allegations contained in paragraph "188" of the Amended Complaint relating to a deposition transcript, and refer the Court to the document reference therein. The Lohman Defendants deny the allegations in paragraph "188" of the Amended Complaint to the extent that it alleges any wrongdoing on behalf of the Lohman Defendants.

189. The Lohman Defendants deny the allegations contained in paragraph "189" of the Amended Complaint.

190. The Lohman Defendants neither admit nor deny the allegations contained in paragraph "190" of the Amended Complaint to the extent that the allegations are directed at or relate to individuals or entities other than the Lohman Defendants, and leave the parties to their proofs with respect thereto.

J.S.

191-197. The Lohman Defendants neither admit nor deny the allegations contained in paragraphs "191" through "197" of the Amended Complaint to the extent that the allegations are directed at or relate to individuals or entities other than the Lohman Defendants, and leave the parties to their proofs with respect thereto.

198. The Lohman Defendants neither admit nor deny the allegations contained in paragraph "198" of the Amended Complaint to the extent that the allegations are directed at or relate to individuals or entities other than the Lohman Defendants, and leave the parties to their proofs with respect thereto. The Lohman Defendants deny the allegations in paragraph "198" of the Amended Complaint to the extent that it alleges any wrongdoing on behalf of the Lohman Defendants.
199. The Lohman Defendants deny the allegations contained in paragraph "199" of the Amended Complaint.
200. The Lohman Defendants neither admit nor deny the allegations contained in paragraph "200" of the Amended Complaint to the extent that the allegations are directed at or relate to individuals or entities other than the Lohman Defendants, and leave the parties to their proofs with respect thereto. The Lohman Defendants deny the allegations in paragraph "200" of the Amended Complaint to the extent that it alleges any wrongdoing on behalf of the Lohman Defendants.
201. The Lohman Defendants neither admit nor deny the allegations contained in paragraph "201" of the Amended Complaint to the extent that the allegations are directed at or relate to individuals or entities other than the Lohman Defendants, and leave the parties to their proofs with respect thereto.
202. The Lohman Defendants neither admit nor deny the allegations contained in paragraph "202" of the Amended Complaint, and rather refer the court to the documents referenced therein.

203. The Lohman Defendants neither admit nor deny the allegations contained in paragraph "203" of the Amended Complaint, and rather refer the court to the documents referenced therein.
204. The Lohman Defendants neither admit nor deny the allegations contained in paragraph "204" of the Amended Complaint, and rather refer the court to the documents referenced therein.
205. The Lohman Defendants neither admit nor deny the allegations contained in paragraph "205" of the Amended Complaint to the extent that the allegations are directed at or relate to individuals or entities other than the Lohman Defendants, and leave the parties to their proofs with respect thereto. The Lohman Defendants neither admit nor deny the allegations in paragraph "205" of the Amended Complaint to the extent that it purports to paraphrase deposition testimony, and rather refers the Court to the deposition transcript referenced therein.
206. The Lohman Defendants deny the allegations in paragraph "206" of the Amended Complaint to the extent that it alleges any wrongdoing on behalf of the Lohman Defendants. The Lohman Defendants neither admit nor deny the allegations in paragraph "206" of the Amended Complaint to the extent that it purports to paraphrase deposition testimony, and rather refers the Court to the deposition transcript referenced therein.
207. The Lohman Defendants deny the allegations contained in paragraph "207" of the Amended Complaint.
208. The Lohman Defendants neither admit nor deny the allegations in paragraph "208" of the Amended Complaint to the extent that it purports to paraphrase a settlement agreement, and rather refers the Court to the deposition transcript referenced therein. The Lohman

Defendants deny the remaining allegations in paragraph "208" of the Amended Complaint.

K.W.

209-217. The Lohman Defendants neither admit nor deny the allegations contained in paragraphs "209" through "217" of the Amended Complaint to the extent that the allegations are directed at or relate to individuals or entities other than the Lohman Defendants, and leave the parties to their proofs with respect thereto.

218. The Lohman Defendants deny the allegations contained in paragraph "218" of the Amended Complaint.

219. The Lohman Defendants admit the allegations contained in paragraph "219" of the Amended Complaint.

220. The Lohman Defendants deny the allegations contained in paragraph "220" of the Amended Complaint.

221. The Lohman Defendants neither admit nor deny the allegations contained in paragraph "221" of the Amended Complaint to the extent that the allegations are directed at or relate to individuals or entities other than the Lohman Defendants, and leave the parties to their proofs with respect thereto. The Lohman Defendants deny the remainder of the allegations contained in paragraph "221".

222. The Lohman Defendants neither admit nor deny the allegations contained in paragraph "222" of the Amended Complaint to the extent that the allegations are directed at or relate to individuals or entities other than the Lohman Defendants, and leave the parties to their proofs with respect thereto. The Lohman Defendants deny the remainder of the allegations contained in paragraph "222".

223. The Lohman Defendants neither admit nor deny the allegations contained in paragraph "223" of the Amended Complaint to the extent that they relate to arbitration documents, and refer the court to the documents referenced therein. The Lohman Defendants deny the remainder of the allegations contained in paragraph "223" of the Amended Complaint.
224. The Lohman Defendants neither admit nor deny the allegations contained in paragraph "224" of the Amended Complaint, and refer the court to the document referenced therein.
225. The Lohman Defendants neither admit nor deny the allegations contained in paragraph "225" of the Amended Complaint, and refer the court to the documents and deposition transcript referenced therein.
226. The Lohman Defendants neither admit nor deny the allegations contained in paragraph "226" of the Amended Complaint, and refer the court to the document referenced therein.
227. The Lohman Defendants neither admit nor deny the allegations contained in paragraph "227" of the Amended Complaint, to the extent that it purports to paraphrase a settlement agreement, and refer the court to the document referenced therein. The Lohman Defendants deny the remainder of the allegations contained in paragraph "227" of the Amended Complaint.

A.C.

- 228-237. The Lohman Defendants neither admit nor deny the allegations contained in paragraphs "228" through "237" of the Amended Complaint to the extent that the allegations are directed at or relate to individuals or entities other than the Lohman Defendants, and leave the parties to their proofs with respect thereto.

238. The Lohman Defendants neither admit nor deny the allegations contained in paragraph "227" of the Amended Complaint, and refer the court to the document referenced therein.
239. The Lohman Defendants neither admit nor deny the allegations contained in paragraph "239" of the Amended Complaint, and refer the court to the documents and deposition transcript referenced therein.
240. The Lohman Defendants deny the allegations contained in paragraph "240" of the Amended Complaint.
241. The Lohman Defendants neither admit nor deny the allegations contained in paragraph "241" of the Amended Complaint, to the extent that it purports to paraphrase a settlement agreement, and refer the court to the document referenced therein.

Further Allegations of Racketeering Activity

242. The Lohman Defendants deny the allegations contained in paragraph "242" of the Amended Complaint.
243. The Lohman Defendants neither admit nor deny the allegations contained in paragraph "243" of the Amended Complaint to the extent that the allegations are directed at or relate to individuals or entities other than the Lohman Defendants, and leave the parties to their proofs with respect thereto.
244. The Lohman Defendants neither admit nor deny the allegations contained in paragraph "244" of the Amended Complaint to the extent that the allegations are directed at or relate to individuals or entities other than the Lohman Defendants, and leave the parties to their proofs with respect thereto.
245. The Lohman Defendants deny the allegations contained in paragraph "245" of the Amended Complaint that are directed at the Lohman Defendants. The Lohman

Defendants neither admit nor deny the allegations contained in paragraph "245" of the Amended Complaint to the extent that the allegations are directed at or relate to individuals or entities other than the Lohman Defendants, and leave the parties to their proofs with respect thereto.

246. The Lohman Defendants deny the allegations contained in paragraph "246" of the Amended Complaint relating to the Lohman Defendants. The Lohman Defendants neither admit nor deny the allegations contained in paragraph "246" of the Amended Complaint to the extent that the allegations are directed at or relate to individuals or entities other than the Lohman Defendants, and leave the parties to their proofs with respect thereto.

247. The Lohman Defendants neither admit nor deny the allegations contained in paragraph "247" of the Amended Complaint to the extent that the allegations are directed at or relate to individuals or entities other than the Lohman Defendants, and leave the parties to their proofs with respect thereto.

248. The Lohman Defendants neither admit nor deny the allegations contained in paragraph "248" of the Amended Complaint to the extent that the allegations are directed at or relate to individuals or entities other than the Lohman Defendants, and leave the parties to their proofs with respect thereto.

249. The Lohman Defendants deny the allegations contained in paragraph "249" of the Amended Complaint relating to the Lohman Defendants. The Lohman Defendants neither admit nor deny the allegations contained in paragraph "249" of the Amended Complaint to the extent that the allegations are directed at or relate to individuals or

- entities other than the Lohman Defendants, and leave the parties to their proofs with respect thereto.
250. The Lohman Defendants deny the allegations contained in paragraph "250" of the Amended Complaint relating to the Lohman Defendants. The Lohman Defendants neither admit nor deny the allegations contained in paragraph "250" of the Amended Complaint to the extent that the allegations are directed at or relate to individuals or entities other than the Lohman Defendants, and leave the parties to their proofs with respect thereto.
251. The Lohman Defendants deny the allegations contained in paragraph "251" of the Amended Complaint relating to the Lohman Defendants. The Lohman Defendants neither admit nor deny the allegations contained in paragraph "251" of the Amended Complaint to the extent that the allegations are directed at or relate to individuals or entities other than the Lohman Defendants, and leave the parties to their proofs with respect thereto.
252. The Lohman Defendants deny the allegations contained in paragraph "252" of the Amended Complaint relating to the Lohman Defendants. The Lohman Defendants neither admit nor deny the allegations contained in paragraph "252" of the Amended Complaint to the extent that the allegations are directed at or relate to individuals or entities other than the Lohman Defendants, and leave the parties to their proofs with respect thereto.
253. The Lohman Defendants deny the allegations contained in paragraph "253" of the Amended Complaint relating to the Lohman Defendants. The Lohman Defendants neither admit nor deny the allegations contained in paragraph "253" of the Amended

Complaint to the extent that the allegations are directed at or relate to individuals or entities other than the Lohman Defendants, and leave the parties to their proofs with respect thereto.

254. The Lohman Defendants deny the allegations contained in paragraph "254" of the Amended Complaint relating to the Lohman Defendants. The Lohman Defendants neither admit nor deny the allegations contained in paragraph "254" of the Amended Complaint to the extent that the allegations are directed at or relate to individuals or entities other than the Lohman Defendants, and leave the parties to their proofs with respect thereto.

RESPONSE TO THE FIRST CAUSE OF ACTION

255. The Lohman Defendants repeat and incorporate paragraphs 1 through 254 above.
256. The Lohman Defendants neither admit nor deny the allegations contained in paragraph "256" of the Amended Complaint, but refer questions of law to the court.
257. The Lohman Defendants neither admit nor deny the allegations contained in paragraph "257" of the Amended Complaint, but refer questions of law to the court.
258. The Lohman Defendants deny the allegations contained in paragraph "258" of the Amended Complaint, and refer questions of law to the court.
259. The Lohman Defendants admit the allegations contained in paragraph "259" of the Amended Complaint.
260. The Lohman Defendants neither admit nor deny the allegations contained in paragraph "260" of the Amended Complaint to the extent that the allegations are directed at or relate to individuals or entities other than the Lohman Defendants, and leave the parties to their proofs with respect thereto.

261. The Lohman Defendants neither admit nor deny the allegations contained in paragraph "261" of the Amended Complaint to the extent that the allegations are directed at or relate to individuals or entities other than the Lohman Defendants, and leave the parties to their proofs with respect thereto.
262. The Lohman Defendants deny the allegations contained in paragraph "262" of the Amended Complaint as they relate to the Lohman Defendants. The Lohman Defendants neither admit nor deny the allegations contained in paragraph "262" of the Amended Complaint to the extent that the allegations are directed at or relate to individuals or entities other than the Lohman Defendants, and leave the parties to their proofs with respect thereto.
263. The Lohman Defendants deny the allegations contained in paragraph "263" of the Amended Complaint as they relate to the Lohman Defendants. The Lohman Defendants neither admit nor deny the allegations contained in paragraph "263" of the Amended Complaint to the extent that the allegations are directed at or relate to individuals or entities other than the Lohman Defendants, and leave the parties to their proofs with respect thereto.
264. The Lohman Defendants deny the allegations contained in paragraph "264" of the Amended Complaint.
265. The Lohman Defendants deny the allegations contained in paragraph "265" of the Amended Complaint.
266. The Lohman Defendants deny the allegations contained in paragraph "266" of the Amended Complaint.

267. The Lohman Defendants deny the allegations contained in paragraph "267" of the Amended Complaint.

268. The Lohman Defendants deny the allegations contained in paragraph "268" of the Amended Complaint.

RESPONSE TO SECOND CAUSE OF ACTION

269. The Lohman Defendants repeat and incorporate paragraphs 1 through 268 above.

270. The Lohman Defendants neither admit nor deny the allegations contained in paragraph "270" of the Amended Complaint, but refer questions of law to the court.

271. The Lohman Defendants neither admit nor deny the allegations contained in paragraph "271" of the Amended Complaint, but refer questions of law to the court.

272. The Lohman Defendants deny the allegations contained in paragraph "272" of the Amended Complaint.

273. The Lohman Defendants admit the allegations contained in paragraph "273" of the Amended Complaint.

274. The Lohman Defendants neither admit nor deny the allegations contained in paragraph "274" of the Amended Complaint to the extent that the allegations are directed at or relate to individuals or entities other than the Lohman Defendants, and leave the parties to their proofs with respect thereto.

275. The Lohman Defendants neither admit nor deny the allegations contained in paragraph "275" of the Amended Complaint to the extent that the allegations are directed at or relate to individuals or entities other than the Lohman Defendants, and leave the parties to their proofs with respect thereto.

276. The Lohman Defendants deny the allegations contained in paragraph "276" of the Amended Complaint as they relate to the Lohman Defendants. The Lohman Defendants neither admit nor deny the allegations contained in paragraph "276" of the Amended Complaint to the extent that the allegations are directed at or relate to individuals or entities other than the Lohman Defendants, and leave the parties to their proofs with respect thereto.
277. The Lohman Defendants deny the allegations contained in paragraph "277" of the Amended Complaint as they relate to the Lohman Defendants. The Lohman Defendants neither admit nor deny the allegations contained in paragraph "277" of the Amended Complaint to the extent that the allegations are directed at or relate to individuals or entities other than the Lohman Defendants, and leave the parties to their proofs with respect thereto.
278. The Lohman Defendants deny the allegations contained in paragraph "278" of the Amended Complaint.
279. The Lohman Defendants deny the allegations contained in paragraph "279" of the Amended Complaint.

RESPONSE TO SECOND CAUSE OF ACTION

280. The Lohman Defendants repeat and incorporate paragraphs 1 through 279 above.
281. The Lohman Defendants neither admit nor deny the allegations contained in paragraph "281" of the Amended Complaint, but refer questions of law to the court.
282. The Lohman Defendants neither admit nor deny the allegations contained in paragraph "282" of the Amended Complaint, but refer questions of law to the court.

283. The Lohman Defendants deny the allegations contained in paragraph "283" of the Amended Complaint.
284. The Lohman Defendants deny the allegations contained in paragraph "284" of the Amended Complaint.
285. The Lohman Defendants deny the allegations contained in paragraph "285" of the Amended Complaint.
286. The Lohman Defendants deny the allegations contained in paragraph "286" of the Amended Complaint.
287. The Lohman Defendants deny the allegations contained in paragraph "287" of the Amended Complaint.
288. The Lohman Defendants deny the allegations contained in paragraph "288" of the Amended Complaint.
289. The Lohman Defendants deny the allegations contained in paragraph "289" of the Amended Complaint.
290. The Lohman Defendants deny the allegations contained in paragraph "290" of the Amended Complaint.

RESPONSE TO FOURTH CAUSE OF ACTION

291. The Lohman Defendants repeat and incorporate paragraphs 1 through 290 above.
292. The Lohman Defendants deny the allegations contained in paragraph "292" of the Amended Complaint.
293. The Lohman Defendants deny the allegations contained in paragraph "293" of the Amended Complaint.

294. The Lohman Defendants deny the allegations contained in paragraph "294" of the Amended Complaint.

RESPONSE TO FIFTH CAUSE OF ACTION

295. The Lohman Defendants repeat and incorporate paragraphs 1 through 294 above.
296. The Lohman Defendants neither admit nor deny the allegations contained in paragraph "296" of the Amended Complaint, but refer the court to the documents referenced therein and refer questions of law to the court.
297. The Lohman Defendants neither admit nor deny the allegations contained in paragraph "297" of the Amended Complaint, but refer the court to the documents referenced therein and refer questions of law to the court.
298. The Lohman Defendants neither admit nor deny the allegations contained in paragraph "298" of the Amended Complaint to the extent that the allegations are directed at or relate to individuals or entities other than the Lohman Defendants, and leave the parties to their proofs with respect thereto.
299. The Lohman Defendants neither admit nor deny the allegations contained in paragraph "299" of the Amended Complaint to the extent that the allegations are directed at or relate to individuals or entities other than the Lohman Defendants, and leave the parties to their proofs with respect thereto. The Lohman Defendants deny any allegations in paragraph "299" of the Amended Complaint that pertain to the Lohman Defendants.
300. The Lohman Defendants neither admit nor deny the allegations contained in paragraph "300" of the Amended Complaint to the extent that the allegations are directed at or relate to individuals or entities other than the Lohman Defendants, and leave the parties

to their proofs with respect thereto. The Lohman Defendants deny any allegations in paragraph "300" of the Amended Complaint that pertain to the Lohman Defendants.

301. The Lohman Defendants deny the allegations contained in paragraph "301" of the Amended Complaint.

302. The Lohman Defendants deny the allegations contained in paragraph "302" of the Amended Complaint.

WHEREFORE, the Lohman Defendants deny any allegations of wrongdoing and respectfully request that this court dismiss this case against the Lohman Defendants in its entirety.

FIRST AFFIRMATIVE DEFENSE

303. Plaintiff, Navient Solutions, LLC, lacks the requisite standing to bring this lawsuit because it does not own the debt that is an essential aspect of this case and is the primary component of its allegations of damages.

SECOND AFFIRMATIVE DEFENSE

304. Plaintiff's civil RICO claims are barred because the Plaintiff failed to allege sufficient actual allegations to state a claim that the Answering Defendant was part of an enterprise" as required to in order to sufficiently plead a civil RICO claim.

THIRD AFFIRMATIVE DEFENSE

305. Plaintiff's civil RICO claim is barred because the alleged enterprise was not an "entity" separate form the named defendants who allegedly engaged in unlawful activity.

FOURTH AFFIRMATIVE DEFENSE

306. Plaintiff's claims are time-barred by the applicable statute of limitations.

FIFTH AFFIRMATIVE DEFENSE

307. Plaintiff is estopped from asserting claims regarding damages, because any damages sustained as a result of the facts at issue in this case are a result its own illegal conduct, including but not limited to violating the TCPA and other statutes governing debt collection.

SIXTH AFFIRMATIVE DEFENSE

308. Plaintiff's claims are barred pursuant to the doctrine of unclean hands.

SEVENTH AFFIRMATIVE DEFENSE

309. Plaintiff's fraud claims are barred because they are predicated upon opinion and lack any factual basis.

EIGHTH AFFIRMATIVE DEFENSE

310. Plaintiff failed to mitigate its damages, and as such, plaintiff's recovery in this matter, if any, must be offset due to it's a failure to mitigate.

NINTH AFFIRMATIVE DEFENSE

311. Plaintiff failed to state a claim upon which relief can be granted.

TENTH AFFIRMATIVE DEFENSE

312. Plaintiff's claims are barred in whole or in part because any damages were caused by other parties or non-partiers for whom the Lohman Defendants lacks control and/or responsibility.

ELEVENTH AFFIRMATIVE DEFENSE

313. Plaintiff's claims are barred in whole or in part because any damages were caused by Plaintiff's own actions.

TWELFTH AFFIRMATIVE DEFENSE

314. Plaintiff's claims are barred in whole or in part because the conduct of the Lohman Defendants that Plaintiff complained of in the Amended Complaint was lawful and with legal justification.

THIRTEENTH AFFIRMATIVE DEFENSE

315. The Lohman Defendants did not initiate, induce or conspire with any of the other defendants or any other person to engage in a pattern of activity for the purposes of fraudulently extracting settlements from Plaintiff or to conduct costly litigation, and therefore, Plaintiff cannot recover on its civil RICO and conspiracy claims.

FOURTEENTH AFFIRMATIVE DEFENSE

316. Even if the Plaintiff could present evidence sufficient to establish the truth of the allegations outlined in the Amended Complaint, Plaintiff's case is unsustainable because Navient Solutions, LLC, has not suffered any damages as a result of the alleged wrongdoing, because Navient Solutions LLC does not own the debt that provides the basis for the damages allegations in this case.

FIFTEENTH AFFIRMATIVE DEFENSE

317. Plaintiff's claims are barred in whole or in part pursuant to the doctrine of laches.

SIXTEENTH AFFIRMATIVE DEFENSE

318. Plaintiff's claims are barred in whole or in part as a result of intervening and/or superseding facts, including but not limited to, Navient Solutions, LLC willfully and knowingly violated the Telephone Consumer Protection Act ("TCPA") and other federal statutes, and caused its own damages which otherwise could have been prevented.

SEVENTEENTH AFFIRMATIVE DEFENSE

319. Plaintiff's claims are barred because Plaintiff had the opportunity to litigate the issues in this case in previous matters, failed to do so, and is now estopped from bringing said claims.

EIGHTEENTH AFFIRMATIVE DEFENSE

320. Plaintiff's claims fail as a matter of law because Plaintiff failed to allege that Plaintiff relied on the alleged representations made by the Lohman Defendants.

AS AND FOR ANSWERING DEFENDANT'S FIRST COUNTER-CLAIM
(Abuse of Process)

321. The Lohman Defendants repeats and incorporates paragraphs "1" through "320" above.

322. By their acts, Plaintiff has committed the tort of abuse of process by suing the Lohman Defendants for an improper purpose and in bad faith.

323. Plaintiff intentionally and maliciously instituted this civil action against the Lohman Defendants to harass and victimize the Answering Defendant, as retribution because Answering Defendant previously filed and litigated valid TCPA claims against the Plaintiff.

324. Plaintiff has no probable cause to bring this civil action against the Lohman Defendants.

325. Plaintiff knowingly made false and improper allegations against Lohman Defendants in the Amended Complaint, with the intent to harass the Answering Defendant and deter the Lohman Defendants from assisting clients in bringing valid law suits against Plaintiff for its willful violation of federal collection statutes.

326. Lohman Defendants is entitled to damages for attorneys' fees and costs accrued to date, irreparable reputational damage; emotional distress damages; and such other and further relief as this Court deems just and proper.

WHEREFORE, Lohman Defendants respectfully requests that this Court dismiss this case as against the Answering Defendant in its entirety together with costs and disbursements herein.

Dated: September 12, 2019

Respectfully submitted,

/s/ Dana C. Withers
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Attorneys for The Lohman Defendants

CERTIFICATE OF SERVICE

I hereby certify that on September 12, 2019 a true copy of the foregoing ANSWER was filed electronically with the Clerk of Court using the CM/ECF system, which will send a notification of such filing to the following:

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